

POSITION DESCRIPTION (Please Read Instructions on the Back)

1. Reason for Submission <input type="checkbox"/> Reestablishment <input checked="" type="checkbox"/> New <input type="checkbox"/> Reassignment <input checked="" type="checkbox"/> Other Explanation (Show any positions replaced)		2. Service <input type="checkbox"/> Military <input checked="" type="checkbox"/> Field		3. Employing Office Location Washington, DC		4. Duty Station Various		5. Agency Position No. S1842a	
6. Financial Statements Required <input type="checkbox"/> Executive Personnel <input type="checkbox"/> Employment and Financial Interest		7. Subject to IA Action <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		8. Position Grade <input checked="" type="checkbox"/> Competitive <input type="checkbox"/> Excepted (Specify in Remarks)		9. Position Title <input checked="" type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input type="checkbox"/> Other		10. Agency Use BU=3438	
11. Position Grade <input checked="" type="checkbox"/> SES (Gen.) <input type="checkbox"/> SES (CR)		12. Position Title <input checked="" type="checkbox"/> Supervisory <input type="checkbox"/> Managerial <input type="checkbox"/> Other		13. Position Grade <input checked="" type="checkbox"/> 1-Non-Sensitive <input type="checkbox"/> 2-Critical		14. Agency Use BU=3438		15. Agency Use BU=3438	

16. Classified/Graded by Official Title of Position		17. Name of Employee (if vacant, specify)	
18. Department, Agency, or Establishment U.S. Department of Homeland Security		19. Name of Employee (if vacant, specify)	
20. First Subdivision U.S. Customs and Border Protection		21. Name of Employee (if vacant, specify)	
22. Second Subdivision Office of Border Patrol		23. Name of Employee (if vacant, specify)	
24. Third Subdivision		25. Name of Employee (if vacant, specify)	
26. Fourth Subdivision		27. Name of Employee (if vacant, specify)	
28. Fifth Subdivision		29. Name of Employee (if vacant, specify)	

30. Employee Review -This is an accurate description of the major duties and responsibilities of my position.		31. Signature of Employee (optional)	
32. Supervisory Certification. I certify that this is an accurate statement of the major duties and responsibilities of this position and its organizational relationships, and that the position is necessary to carry out Government functions for which I am responsible. This certification is made with the knowledge that this information is to be used for statutory purposes relating to appointment and payment of public funds, and that false or misleading statements may constitute violations of such statutes or their implementing regulations.		33. Typed Name and Title of Higher-Level Supervisor or Manager (optional) Michael J. Fisher Chief, U.S. Border Patrol	

34. Typed Name and Title of Immediate Supervisor Blanca A. Warner Executive Director, Mission Support		35. Typed Name and Title of Higher-Level Supervisor or Manager (optional) Michael J. Fisher Chief, U.S. Border Patrol	
36. Signature of Employee (optional) (b) (6), (b) (7)(C)		37. Signature of Higher-Level Supervisor or Manager (optional) (b) (6), (b) (7)(C)	

38. Classification/Grading Certification. I certify that this position has been classified/graded as required by Title 5, U.S. Code, in conformance with standards published by the U.S. Office of Personnel Management or, if no applicable standards apply directly, consistently with the most applicable published standards.		39. Signature of Employee (optional) (b) (6), (b) (7)(C)	
40. Signature of Higher-Level Supervisor or Manager (optional) (b) (6), (b) (7)(C)		41. Signature of Employee (optional) (b) (6), (b) (7)(C)	

42. Assistant Commissioner, HRM Signature: (b) (6), (b) (7)(C)		43. Information for Employees. The standards, and information on their application, are available in the personnel office. The classification of the position may be reviewed and corrected by the agency or the U.S. Office of Personnel Management. Information on classification/job grading appeals, and complaints on exemption from FLSA, is available from the personnel office or the U.S. Office of Personnel Management.	
44. Position Review Initials Date Initials Date Initials Date Initials Date Initials Date		45. Position Review Initials Date Initials Date Initials Date Initials Date Initials Date	
46. Employee (optional)		47. Employee (optional)	
48. Supervisor		49. Supervisor	
50. Classifier		51. Classifier	

52. Remarks Law Enforcement Officer retirement coverage approved by DHS on 8/27/2010 based on 5 U.S.C. 8336(c) and 8412 (d).	
53. Description of Major Duties and Responsibilities (See Attached) SN 7540-00-634-4365 Previous Edition Usable 5008-106	

BORDER PATROL AGENT (BPA)
GS-1896-12

INTRODUCTION:

This position is located in the Department of Homeland Security (DHS), U.S. Customs and Border Protection (CBP), U.S. Border Patrol, at various locations along the Nation's borders. As the primary Federal law enforcement agency between the ports-of-entry, the Border Patrol's priority mission is to prevent the entry of terrorists and terrorist weapons from entering the United States. The Border Patrol enforces the laws that protect America's homeland by the detection, interdiction, and apprehension of those who attempt to illegally enter or smuggle any person or contraband across our Nation's sovereign borders.

This position supports this mission in the capacity of a full performance level Border Patrol Agent, who performs intelligence analysis, prosecutions, investigations, and other work of comparable difficulty. The incumbent also performs the basic Border Patrol Agent functions of line watch, sign cutting, traffic and transportation checks, and related duties. Incumbents at this level in their career are thoroughly knowledgeable in the skills and abilities required to obtain their journeyman level status and generally assist and mentor agents of lesser grade and efficiency. The incumbent is under the immediate supervision of a Supervisory Border Patrol Agent.

As a Federal employee and as a United States Border Patrol Agent, the incumbent is expected to uphold and foster high moral standards and ethical behavior.

MAJOR DUTIES AND RESPONSIBILITIES:

1. Conducts a wide variety of duties to protect the U.S. homeland and enforce U.S. laws:

- a) Collects, refines, and analyzes strategic and tactical intelligence and disseminates reports within the Agency and to other law enforcement officials nationwide. Intelligence information may come from a variety of sources including (b) (7)(E)

b) (b) (7)(E)

Uses this information to plan and carry out Border Patrol operations, which are to detect, deter, and apprehend terrorists, terrorist related weapons, illegal aliens, human smugglers, illicit drugs, and other contraband from entering or attempting to enter the United States.

- c) Gathers and reviews evidence, and prepares and evaluates cases to be presented for both criminal and administrative proceedings. Resolves discrepancies, prepares criminal complaints, tracks suspects and evidence, makes arrests, testifies in court on behalf of the Government, coordinates removals after serving sentences, and properly disposes of seized assets (money, vehicles, vessels, real property, etc.) Ensures all evidence requirements are fulfilled prior to trial, the paperwork connected with each case is processed within the time frames required by law, and witnesses are available. Interviews defendants and material witnesses and obtains sworn statements.

- d) Identifies, investigates, and apprehends terrorists, and terrorist related weapons as well as smugglers of aliens and contraband. Most often, smugglers are part of organized rings, using sophisticated methods of transporting, (b) (7)(E) and jobs. Accumulates sources of information necessary for the development of cases which are presented to the U.S Attorney.
- e) Initiates and conducts investigation of document fraud, counterfeit and photo altered documents, and fraudulent applications for benefits to determine (b) (7)(E). Develops facts and gathers evidence utilizing a wide range of investigative techniques including interviewing, examination of physical, documentary, and other types of evidence, analysis of records, and use of technical investigative aids in order to obtain a successful prosecution.
- f) Participates and represents the Agency as a full member on interagency task force operations. Investigations are usually complex and protracted, and involve (b) (7)(E). Subjects of investigations are most frequently involved in (b) (7)(E). Participants may be other Federal agencies such as DEA, and may also include state and local law enforcement agencies, as well as foreign law enforcement agencies. The Border Patrol Agent may be cross-designated or deputized during the course of the assignment to enforce the laws under the jurisdiction of the other agencies. Operates, monitors, plans, and executes activities based on information gathered from technology systems. As directed and as part of special task force operations, responds to national emergencies and national security needs.
- g) The incumbent performs a variety of field operation duties such as sign cutting, work site enforcement, traffic check and observation, train check, transportation check, city patrol, airport patrol, river patrol, horse patrol, bike patrol, and/or international boundary security operations. Through leads, interrogation, and observation of persons, an intimate knowledge of local geographical area, document reviews and record searches, identifies individuals suspected of violating Immigration, Customs, and other laws. Interviews such persons and inspects their documents to determine citizenship or alien status, using Spanish, as needed, to communicate while applying (b) (7)(E).
- h) Uses a variety of information systems and databases to conduct information searches, queries, update files and disseminate information. Also uses (b) (7)(E) and other electronic equipment, e.g. (b) (7)(E) to detect and identify threats and incursions entering the United States illegally.
- i) Apprehends and searches violators, seizes contraband and assets, questions violators and other persons involved, such as witnesses. Advises violators of their rights and takes sworn statements. Transports suspects, prepares reports concerning apprehensions, seizures, interrogation, and other related matters. Prepares affidavits for warrants based upon facts that demonstrate probable cause. Executes warrants and arrests violators. Prepares detailed investigative reports concerning case development and disposition. Presents oral or written briefings and testifies in court proceedings.
- j) On a regular and recurring basis, assesses the immigration status of aliens to determine if they should be removed from the United States. This includes, but is not limited to, the expedited removal program. Identifies asylum cases and credible fear persecution claims and refers them to asylum officers and other CIS officials.
- k) Utilizes a variety of complex and sophisticated technology systems in support of the

National Border Patrol Strategy. Leverages emerging technologies, geospatial information, and other resources. This will enable decision makers, from the field agent to top officials, to analyze data and provide a Common Operating Picture (COP) at the tactical, operational, and strategic levels.

- 1) Actively engages in community relations and programs to foster outreach, harmonious relationship with the public at large, and to gain support for the Border Patrol mission.

2. Serves as coach, mentor, and facilitator of lower level Border Patrol Agents (BPAs) on a regular and recurring basis.

Coaches and trains the BPAs in the selection and application of appropriate problem solving methods, practices, and procedures. Articulates and communicates the assignments, projects, problems to be solved, and actionable events to be accomplished and milestones. Evaluates work performance and administrative functions of lower graded BPAs, providing feedback to peers and supervisors. Reviews completed work of lower graded Border Patrol Agents and ensures the work priorities, methods, deadlines, and instructions of supervisors are met.

SPECIAL REQUIREMENTS:

Must be able to qualify with and maintain proficiency in the use of firearms to protect and defend self and others.

Will be required to successfully complete a Background Investigation and will be subject to periodic re-investigation. May undergo security clearance investigation and be granted a Secret level or higher.

Will be subject to random drug testing.

Maintain access to all data systems necessary for duty execution.

Spanish language proficiency is required for this position.

Must possess a valid driver's license.

Performs other duties as assigned.

FACTOR LEVELS:

FACTOR 1. Knowledge Required by the Position:

(b) (7)(E)

Extensive knowledge of Immigration and Nationality laws, Customs laws, and Department of Homeland Security regulations, precedents, and court decisions, which allow the incumbent to effectively enforce and take action in the inspection, admission, and removal of aliens, rights and requirements of aliens, smuggling of persons or contraband and associated threats against the United States. During the execution of prosecutorial work associated with the assignment, the incumbent develops new approaches to resolve difficult and complex cases.

Extensively utilizes various laws, policies and regulations, and current intelligence information to deter, detect, and interdict the illegal entrance of terrorists and weapons of terrorism.

Skill in analyzing disparate facts, events, and other types of intelligence material and developing information, guidelines, and techniques for application in the detection, apprehension, and prosecution of persons attempting to violate Immigration and Nationality laws as well as Customs laws.

Skill and knowledge using a variety of automated information systems to gather information for intelligence, enforcement, prosecutions, and to facilitate decision making. Proficiency with various forms of complex technology that includes surveillance, detection, situation awareness systems (e.g. COP), (b) (7)(E) devices and communications equipment.

Knowledge of appropriate techniques for identifying and categorizing counterfeit and fraudulent documents.

Knowledge of U.S. Code Titles 8, 18, 19, and 21 as well as other laws and regulations in order to determine if a criminal offense has been committed and to effectively enforce Federal laws, regulations, and policies.

Expert knowledge of proper law enforcement methods, including interrogating, searching, seizing, arresting, and self-defense for use in the apprehension of terrorists, illegal aliens, or others suspected of illegal activity. Knowledge of the elements needed to establish reasonable suspicion and probable cause.

Skill in the preparation of reports and other written material pertaining to the collection, protection, and recording of evidence; the presentation of testimony; and the retention of informative material. Ability to identify, interpret, and document intelligence from various sources into comprehensive reporting systems.

Ability to plan, coordinate and/or carry out assignments independently. This includes special operations, task force operations, or other complex assignments.

Skill and expertise in all aspects of sign cutting, camouflage techniques, and technology use to detect areas of illegal entry and to track suspected illegal entrants.

Knowledge of the geographic features of the assigned areas, population patterns, traffic trends, distances of travel to egression routes, and the time of travel between border crossing points to various transit locations.

Proficiency in the Spanish language and knowledge of the (b) (7)(E). Skill in detecting (b) (7)(E) of aliens. Associates this information with known facts concerning their place of origin, developing approaches in questioning that (b) (7)(E), and provides valuable information.

Skill in handling and care of firearms to maintain quarterly qualifications with handgun, shotgun,

and assault rifle. Skill in handling various intermediate weapons (non lethal).

Must possess a valid state motor vehicle operator's license.

FACTOR 2. Supervisory Controls:

(b) (7)(E)

For field operation and related duties, the Border Patrol Agent performs the full range of patrol duties assigned by the supervisor, who highlights areas for special emphasis, establishing objectives and priorities. The Agent carries out the assignments independently, making on-the-spot decisions in accordance with operating procedures and instructions. The work is reviewed for general adequacy, soundness of decisions made, and conformity to established procedures and instructions.

For other duties, the incumbent works under the general supervision of a Supervisory Border Patrol Agent, who relies on the incumbent to operate with a high degree of independence. Assignments to specialty areas may be for a specified period of time and cover a particular geographical area that may be as broad as Sector-wide. These assignments have objectives stated in general terms and usually are in the form of an identified problem, or an area for analysis and investigation. The incumbent organizes the approach, determines the extent of fact-finding and analysis, and adapts techniques and methods to the particular situation involved. Completed work is accepted as technically correct and reviewed for effectiveness in meeting Customs and Border Protection (CBP) goals and objectives.

FACTOR 3. Guidelines:

(b) (7)(E)

Basic and general information is provided in the various laws, regulations and interpretations pertaining to the work performed, operating handbooks, agency manuals, instructions and orders, precedent decisions by the courts and appeals board, rules of evidence, and court procedures. The incumbent exercises considerable ingenuity in making judgments, applying techniques, and using discretion in the application of these general guidelines to the wide variety of individual cases and situations encountered in the field.

FACTOR 4. Complexity:

(b) (7)(E)

Assignments involve the application of complex investigative and law enforcement methods, techniques, and procedures, quickly and accurately interrogating suspects who may have strong connections to international terrorist organizations, drug cartels, organized crime syndicates, and other criminal groups. In close proximity of criminal suspects, the work also involves identifying, investigating, and apprehending terrorists, smugglers of weapons of mass destruction, narcotics, contraband, and illegal aliens violating Federal statutes. In addition, the work involves taking sworn statements (often in Spanish), evaluating information and deciding on the best course of action.

While working alone makes instantaneous and unsupervised custodial decisions that have potential international consequences. Actions may involve single or multiple suspects; effecting mass arrests of combative suspects involved in illicit activities such as terrorism or the smuggling of illegal aliens or illegal drugs. Must assess incomplete or conflicting information, determining facts from disparate information. Changing conditions may complicate assignments or situations involving factors, such as the nature of the illegal activity encountered, modus

operandi of the lawbreaker, degree of difficulty in establishing facts, and protection of the suspects' civil rights. Court rulings may alter established operating procedures or challenge the interpretation of statutory authorities conferred by the Immigration and Nationality Act as well as Customs laws. The incumbent is expected and required to carry out the most difficult assignments in all operational and specialty areas. The work also involves serving as coach, facilitator, and mentor of lower level Border Patrol Agents on a regular and recurring basis.

FACTOR 5. Scope and Effect:

(b) (7)(E)

The purpose of the work assignments is to enforce the Immigration and Nationality Act, Customs laws, and related statutes. Actions prevent unauthorized persons from entering the United States and deterring terrorism, also preventing the smuggling of illegal aliens, illegal drugs, and illicit contraband. Promotes crime prevention and detection through the professional representation of the Agency during the apprehension and removal of illegal aliens and interdiction of threats against the United States. Effective accomplishment of assignments has considerable impact on national security; reserving employment opportunities for U.S. citizens and legal resident aliens; deterring crime; and detecting and breaking up fraud and conspiracy. It also significantly affects other Federal, foreign, state, and local law enforcement agencies. Indirectly, the work affects private industry and social services agencies at the Federal, state, and local levels.

FACTOR 6 & 7. Nature and Purpose of Contacts:

(b) (7)(E)

In addition to contacts with employees, supervisors and managers of the sector and throughout the Agency, personal contacts are with the general public including legal and illegal aliens, criminals, law enforcement officials from other agencies, attorneys, judges, magistrates, other court officials, other government officials in the United States, foreign officials, media, and nongovernmental organizations

Contacts are made to establish and maintain liaison and cooperation with other law enforcement agencies, and to work with officers of the court in the prosecution of cases, including testifying on behalf of the Government. Contacts are also established to facilitate the ability to detain, control, or interrogate apparent or suspected violators of Immigration and Customs laws, arresting those in violation. Contacts may also be used to gain intelligence data for tactical or strategic purposes in crime detection. Persons contacted frequently are uncooperative, uncommunicative, fearful, evasive, desperate, combative or dangerous. These contacts are frequently made (b) (7)(E)

The contacts are often made in a dynamic field environment with conditions that change rapidly and radically. The above conditions require the incumbent to be extremely skillful in how to approach individuals and groups and to be very selective in the methods and techniques used to collect and evaluate information and interrogate suspects.

FACTOR 8. Physical Demands:

(b) (7)(E)

The work requires considerable and strenuous physical exertion, such as long periods of standing, walking, and running over rough, rocky, uneven, and hazardous terrain; crawling in restrictive areas such as culverts; climbing fences, walls, and freight train ladders; and driving all-terrain vehicles cross country and over rough terrain.

FACTOR 9. Work Environment:

(b) (7)(E)

Work environment involves high risks with exposure to potentially dangerous situations or unusual environmental stress, such as operation of automobiles in high-speed chases, boarding moving trains and vessels, or possible gunfire. May be required to work long and irregular hours on weekends and at night, frequently changing shifts and duty stations. Assignments are subject to change without advance notice.

Total Points: (b) (7)(E)

Grade Point Range: (b) (7)(E) Grade

Conversion: GS/GG-12

FACTOR 9. Work Environment:

(b) (7)(E)

Work environment involves high risks with exposure to potentially dangerous situations or unusual environmental stress, such as operation of automobiles in high-speed chases, boarding moving trains and vessels, or possible gunfire. May be required to work long and irregular hours on weekends and at night, frequently changing shifts and duty stations. Assignments are subject to change without advance notice.

OTHER SIGNIFICANT FACTORS:

Law Enforcement Officer (LEO) Coverage

This is a front line law enforcement officer position and is covered under the special law enforcement retirement provisions of 5 U.S.C. 8336 (c) and 8412 (d) for primary law enforcement positions.

Total Points: **(b) (7)(E)**

Grade Point Range: **(b) (7)(E)**

Grade Conversion: GS/GG-12

LEO COVERAGE DETERMINATION STATEMENT

Customs and Border Protection

CSRS Law Enforcement Positions

PRIMARY POSITIONS*:

<u>TITLE</u>	<u>SERIES</u>	<u>POSITION NUMBER</u>
Border Patrol Agent	GL-1896-5	S1832a
Border Patrol Agent	GL-1896-7	S1833a
Border Patrol Agent	GL-1896-9	S1840a
Border Patrol Agent	GS-1896-11	S1841a
Border Patrol Agent	GS-1896-12	S1842a
Supervisory Border Patrol Agent	GL-1896-13	S1843a
Supervisory Border Patrol Agent (Canine Instructor)	GS-1896-13	S1843c
Supervisory Border Patrol Agent (Sector BORTAC)	GS-1896-13	S1843i
Customs and Border Protection Officer (Enforcement)	GS-1895-12	S1830a
Customs and Border Protection Officer (Enforcement)	GG-1895-12	S1831a
Supervisory Customs and Border Protection Officer (Enforcement)	GS-1895-13	S1798a
Supervisory Customs and Border Protection Officer (Enforcement)	GS-1895-13	S1799a

SECONDARY POSITIONS*:

Border Patrol Agent (Operations Officer)	GS-1896-13	HO123M
Border Patrol Agent (Assistant Chief)	GS-1896-14	HO153L
Supervisory Border Patrol Agent (Field Operations Supervisor)	GS-1896-13	S1027a
Supervisory Border Patrol Agent (Field Operations Supervisor BORSTAR)	GS-1896-13	S1027s
Supervisory Border Patrol Agent (Field Operations Supervisor BORTAC)	GS-1896-13	S1027i
Supervisory Border Patrol Agent (Special Operations Supervisor)	GS-1896-13	S1100a
Supervisory Border Patrol Agent (Canine Coordinator)	GS-1896-13	S1100c
Supervisory Border Patrol Agent (Special Operations Supervisor BORSTAR)	GS-1896-13	S1100s

Supervisory Border Patrol Agent (Special Operations Supervisor BORTAC)	GS-1896-13	S1100t
Supervisory Customs and Border Protection Officer (Enforcement)	GS-1895-13	S1627a
Supervisory Customs and Border Protection Officer (Enforcement)	GG-1895-13	S1628a

FERS Law Enforcement Positions

RIGOROUS POSITIONS*:

<u>TITLE</u>	<u>SERIES</u>	<u>POSITION NUMBER</u>
Border Patrol Agent	GL-1896-5	S1832a
Border Patrol Agent	GL-1896-7	S1833a
Border Patrol Agent	GL-1896-9	S1840a
Border Patrol Agent	GS-1896-11	S1841a
Border Patrol Agent	GS-1896-12	S1842a
Supervisory Border Patrol Agent	GL-1896-13	S1843a
Supervisory Border Patrol Agent (Canine Instructor)	GS-1896-13	S1843c
Supervisory Border Patrol Agent (Sector BORTAC)	GS-1896-13	S1843t
Customs and Border Protection Officer (Enforcement)	GS-1895-12	S1830a
Customs and Border Protection Officer (Enforcement)	GG-1895-12	S1831a
Supervisory Customs and Border Protection Officer (Enforcement)	GS-1895-13	S1798a
Supervisory Customs and Border Protection Officer (Enforcement)	GS-1895-13	S1799a

SECONDARY POSITIONS*:

<u>TITLE</u>	<u>SERIES</u>	<u>POSITION NUMBER</u>
Border Patrol Agent (Operations Officer)	GS-1896-13	HO123M
Border Patrol Agent (Assistant Chief)	GS-1896-14	HO153L
Supervisory Border Patrol Agent (Field Operations Supervisor)	GS-1896-13	S1027a
Supervisory Border Patrol Agent (Field Operations Supervisor BORSTAR)	GS-1896-13	S1027s
Supervisory Border Patrol Agent (Field Operations Supervisor BORTAC)	GS-1896-13	S1027t

Supervisory Border Patrol Agent (Special Operations Supervisor)	GS-1896-13	S1100a
Supervisory Border Patrol Agent (Canine Coordinator)	GS-1896-13	S1100c
Supervisory Border Patrol Agent (Special Operations Supervisor BORSTAR)	GS-1896-13	S1100s
Supervisory Border Patrol Agent (Special Operations Supervisor BORTAC)	GS-1896-13	S1100t
Supervisory Customs and Border Protection Officer (Enforcement)	GS-1895-13	S1627a
Supervisory Customs and Border Protection Officer (Enforcement)	GS-1895-13	S1628a

The positions above are covered by the law enforcement provisions of the Civil Service Retirement System and the Federal Employees Retirement System.

(b) (6), (b) (7)(C)

Under Secretary for Management

8-27-2010

Date

*Positions were previously approved for law enforcement officer retirement coverage. All incumbents are presently covered by the provisions of the law enforcement officer retirement system.

DEPARTMENT OF HOMELAND SECURITY
U.S. Customs and Border Protection

FLSA DESIGNATION FORM

ATTACHMENT: Title 5 C.F.R. 551 Evaluation Guideline

Master Record Number: S1842A	FINAL FLSA DETERMINATION <input checked="checked" type="checkbox"/> EXEMPT <input type="checkbox"/> NONEXEMPT
Title/Pay Plan/Series/Grade: Border Patrol Agent GS-1896-12	
Organization (Program Office/Division, Branch): Office of Border Patrol	
SPECIAL INSTRUCTIONS FOR THIS FORM: <ul style="list-style-type: none"> This worksheet must be used in conjunction with FLSA guidance in 5 C.F.R. § 551 in making FLSA designations on Federal position descriptions. For each exemption category, check boxes that apply. If sufficient criteria are checked, mark the corresponding box in the upper left-hand corner for that exemption. 	
<input type="checkbox"/> 6.4.7 EXECUTIVE EXEMPTION (5 C.F.R. § 551.205) An employee whose primary duty is managing an organizational unit, and who meets both of the conditions below. <ul style="list-style-type: none"> <input type="checkbox"/> A. Customarily and regularly directs the work of two or more employees. (<i>Customarily and regularly means more than occasional, but may mean less than all the time.</i>) and <input type="checkbox"/> B. Has authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion, or any other change of status of other employees, are given particular weight by higher-level management. To have particular weight, these suggestions and recommendations must be an expected and frequent part of the employee's job upon which higher-level management must frequently rely. 	
<input type="checkbox"/> 6.4.8 ADMINISTRATIVE EXEMPTION (5 C.F.R. § 551.206) An employee whose primary duty meets A, B, <u>and</u> C below. <ul style="list-style-type: none"> <input type="checkbox"/> A. The work is office or non-manual in nature and <input type="checkbox"/> B. The work is directly related to the management or general business operations of the office or its customers (<i>rather than "production" functions</i>) and <input type="checkbox"/> C. The work includes the exercise of discretion and independent judgment with respect to matters of significance. Check the box by the appropriate statement(s) below to determine if C is met. One or more must be checked to meet C. <ul style="list-style-type: none"> <input type="checkbox"/> 1. Has authority to formulate, affect, interpret, implement management policies or operating practices; <input type="checkbox"/> 2. Carries out major assignments in conducting the operations of the organization; <input type="checkbox"/> 3. Performs work that affects the organization's operations to a substantial degree, even if the employee's assignments are related to operation of a particular segment of the organization; <input type="checkbox"/> 4. Has authority to commit the employer in matters that have significant financial impact; <input type="checkbox"/> 5. Has authority to waive or deviate from established policies and procedures without prior approval; <input type="checkbox"/> 6. Has authority to negotiate and bind the organization on significant matters; <input type="checkbox"/> 7. Provides consultation or expert advice to management; <input type="checkbox"/> 8. Is involved in planning long or short-term organizational objectives; <input type="checkbox"/> 9. Investigates and resolves matters of significance on behalf of management; <input type="checkbox"/> 10. Represents the organization in handling complaints, arbitrating disputes, or resolving grievances; <input type="checkbox"/> 11. Provides a representative duty or responsibility of the position that matches or is equivalent to those provided in the checked block(s) above. 	
<input type="checkbox"/> 6.4.9 PROFESSIONAL EXEMPTION (5 C.F.R. § 551.207) AND LEARNED PROFESSIONAL EXEMPTION (5 C.F.R. § 551.208) 6.4.9.1 LEARNED PROFESSIONAL EXEMPTION (5 C.F.R. § 551.207) An employee whose primary duty is work requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized, intellectual instruction. In general, to meet the "learned professional" definition, the employee must do work that is mostly intellectual and requires the consistent exercise of discretion and judgment (not routine mental, manual, mechanical, or physical work). The employee must use the advanced knowledge to analyze, interpret, or make deductions from varying facts or circumstances. Advanced knowledge cannot be obtained at the high school level.	

☐ **6.4.9.2 CREATIVE PROFESSIONAL EXEMPTION (5 C.F.R. § 551.209)**

An employee whose **primary duty** is the performance of work requiring invention, imagination, originality, or talent in a recognized field of artistic or creative endeavor rather than routine mental, manual, mechanical, or physical work. This requirement is generally met by actors, writers, musicians, composers, conductors, and soloists as well as painters who at most are given the subject matter of their work and writers who choose their own subjects and hand in a finished piece of work to their employers.

☐ **6.4.9.3 COMPUTER EMPLOYEE EXEMPTION (5 C.F.R. § 551.210)**

An employee whose earnings are \$27.63 per hour (\$57,663 per year) or more and whose primary duties consist of one or more of the following:

- ☐ A. The application of systems-analysis techniques and procedures, including consulting with users to determine hardware, software, or system functional specifications; and/or
- ☐ B. The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; and/or
- ☐ C. The design, documentation, testing, creation, or modification of computer programs related to machine-operating systems; and/or
- ☐ D. A combination of the aforementioned duties, the performance of which requires the same level of skills.

☐ **6.5 EMPLOYEE - SPECIFIC EXEMPTION (5 C.F.R. § 551.212 THROUGH 5 C.F.R. § 551.216)**

An employee who:

- ☐ A. Serves on a foreign assignment located outside the U.S. and its territories as defined in 5 C.F.R. § 551.212; and
 - ☐ 1. The employee is permanently stationed in an exempt area and spends all hours of work in a given work week in one or more exempt areas; or
 - ☐ 2. The employee is not permanently stationed in an exempt area, but spends all hours of work in a given work week in one or more exempt areas.

ADDITIONAL COMMENTS / EXPLANATORY INFORMATION:

Fair Labor Standard Act (FLSA) exemption for Border Patrol agents provided by section 2(g)(2) of the Border Patrol Agent Pay Reform Act of 2014 (BPARPA), Public Law 113-277, December 18, 2014). Section 2(g)(2) amended FLSA section 13(a) to provide that a Border Patrol agent "as defined in section 5550(a) of title 5, United States Code" is exempt from the FLSA minimum wage and overtime provisions.

Add additional pages as needed.

OFFICIAL MAKING FLSA DETERMINATION (REQUIRED)

HRM:	OCC:
Print/Type Name: (b) (6), (b) (7)(C)	Print/Type Name:
Date:	Date:



(b) (6), (b) (7)(C)

Yuma Sector



FD-302 (Rev. 10-6-95)

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription

Investigation on

at

File #

Date dictated

by

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01/25/2008

On 01/21/2008, contact was made with United States Border Patrol (USBP) Senior Patrol Agent (SPA) (b) (6), (b) (7)(C) business address, (b) (6), (b) (7)(C) Arizona, (b) (6), (b) (7)(C) and telephone number (b) (6), (b) (7)(C). Contact with (b) (6), (b) (7)(C) was made at the listed business address, (b) (6), (b) (7)(C) USBP Station. Also present for the interview was Supervisory Border Patrol Agent (b) (6), (b) (7)(C) of the USBP (b) (7)(E). (b) (6), (b) (7)(C) was made aware of the identities of the interviewers.

Prior to the interview, (b) (6), (b) (7)(C) was provided time to complete a written statement regarding the events of 01/19/2007 wherein SPA Luis Aguilar was killed. A signed copy of the written statement will be placed in an FD-340 and sent to the 1A section of the file. The purpose of the interview was to review the written statement and obtain further information. In addition to the written statement, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C) entered duty with the USBP after serving close to four years in the U.S. Army. He has only worked through the USBP (b) (6), (b) (7)(C) Station. Since (b) (6), (b) (7)(C) has been assigned to the USBP (b) (7)(E) Station IMPACT Unit.

During the week prior to 01/19/2007, (b) (6), (b) (7)(C) was assigned to work in an area within Imperial County, California, known as the

(b) (6), (b) (7)(C), (b) (7)(E)

On 01/19/2007, (b) (6), (b) (7)(C) was assigned to work an eight-hour overtime shift at the (b) (7)(E). Other members of the IMPACT Unit assigned to work with (b) (6), (b) (7)(C) included:

Supervisory Border Patrol Agent (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) SPA Luis Aguilar, and (b) (6), (b) (7)(C)

At approximately 5:45am, (b) (6), (b) (7)(C) learned from (b) (6), (b) (7)(C) that a (b) (7)(E)

01/21/2008 Yuma, Arizona

(b) (6), (b) (7)(C), (b) (7)(E)

Not dictated

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



FD-302a (Rev. 10-6-95)
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(b) (7)(E)

is south of

(b) (7)(E)

At approximately 7:00am, the (b) (7)(E)
(b) (6), (b) (7)(C), (b) (7)(E)

At approximately 9:15am, (b) (6), (b) (7)(C) noticed a Red Ford F-250 (truck) west of the (b) (7)(E) traveling eastbound on the (b) (7)(E) toward the (b) (7)(E) and I-8 entrances. (b) (6), (b) (7)(C) did not see the truck until it began to pass the IMPACT Unit's (b) (7)(E)

(b) (7)(E) The truck also had tinted windows, one visible occupant, and no license plate. The license plate holder held a dealer advertisement placard commonly seen on new cars. (b) (6), (b) (7)(C) observed the vehicle stop at the (b) (7)(E) wait, and then continue "extremely slow" and "very cautiously." The truck eventually passed the I-8 eastbound on-ramp and committed to the I-8 westbound on-ramp. (b) (6), (b) (7)(C) contacted (b) (6), (b) (7)(C) to advise of the truck's direction. (b) (6), (b) (7)(C) was parked a short distance away at an I-8 (b) (7)(E) Although (b) (6), (b) (7)(C) had been watching for vehicles traveling along the (b) (7)(E), he was unaware of the truck until (b) (6), (b) (7)(C) had relayed the information. (b) (6), (b) (7)(C) watched the truck continue "real slow" on the I-8 westbound on-ramp. Once the truck passed the area where (b) (6), (b) (7)(C) was located, (b) (6), (b) (7)(C) began to follow the truck. (b) (6), (b) (7)(C) then left (b) (7)(E) in his vehicle to assist (b) (6), (b) (7)(C)

After (b) (6), (b) (7)(C) left the (b) (6), (b) (7)(C) (b) (7)(E) (b) (6), (b) (7)(C) and Aguilar were excited that the IMPACT Unit may have identified a vehicle carrying a "a load" (illegal drugs or illegal aliens). (b) (6), (b) (7)(C) and Aguilar maintained (b) (7)(E) Aguilar pointed out to (b) (6), (b) (7)(C) a potential "scout" for the truck.

(b) (7)(E)



(b) (7)(E)

Yuma Sector



FD (b) (6), (b) (7)(C), (b) (7)(E)
Page

Shortly thereafter (b) (6), (b) (7)(C) stated (b) (7)(E) (b) (7)(E) that he saw a Hummer traveling eastbound on the (b) (7)(E) toward the (b) (7)(E) (b) (6), (b) (7)(C) then saw the same vehicle, which (b) (6), (b) (7)(C) described as being pewter in color, newer, and possibly an H2. The vehicle was smaller and less rugged than a Hummer, yet larger than what (b) (6), (b) (7)(C) knew to be an H3. (b) (6), (b) (7)(C) noted that all vehicle windows were dark tinted except for the windows on the front doors which had a lighter tint. (b) (6), (b) (7)(C) observed the driver's silhouette, and did not notice any other vehicle occupants. The Hummer drove in the same slow and cautious manner as the truck, and used the same path to access I-8 westbound. Aguilar used his radio to contact (b) (7)(E) USBP units to pull over the Hummer.

A (b) (7)(E) marked USBP vehicle (b) (7)(E) unit) responded to the area from a few miles west. (b) (6), (b) (7)(C) maintained view of the Hummer. (b) (6), (b) (7)(C) observed the (b) (7)(E) unit travel eastbound on I-8, (b) (7)(E) and access a bridge to cross over I-8 to begin westbound travel on I-8. While the (b) (7)(E) unit was crossing the bridge, (b) (6), (b) (7)(C) yelled, "He's coming back, get ready." The Hummer had made a U-turn via the desert median to begin driving east before the Hummer reached the aforementioned I-8 rest area.

Aguilar contacted (b) (6), (b) (7)(C) to advise of the situation and to seek authorization to deploy a controlled tire deflation device, (spikes). Aguilar granted permission for the spike deployment as long as it was safe to do so. As there was neither east or westbound traffic on the (b) (7)(E), (b) (6), (b) (7)(C) retrieved a box of the (b) (7)(E) spike system from his vehicle and ran straight toward the (b) (7)(E) area to deploy the spikes. Aguilar ran close behind (b) (6), (b) (7)(C) When (b) (6), (b) (7)(C) arrived at the southeast corner of the (b) (7)(E) he dropped the box of spikes and looked over to see that the Hummer was already on the I-8 off- (b) (7)(E) The Hummer was traveling approximately 70 to 80 miles per hour.

(b) (6), (b) (7)(C) opened the box of spikes and pulled them out. Aguilar told (b) (6), (b) (7)(C) "Pull the spikes bro, pull the spikes." (b) (6), (b) (7)(C) began to pull the spikes across the street to the north edge of the (b) (7)(E) while Aguilar pulled the spikes tight on the south edge of the road. When (b) (6), (b) (7)(C) reached the north edge of the road, he looked up. All he could see was the chrome grille of the Hummer approaching. As soon as (b) (6), (b) (7)(C) spread the spikes out completely he jumped half way up the chain link fence next to him. (b) (6), (b) (7)(C) turned toward the vehicle. (b) (6), (b) (7)(C) saw a set of hands on the steering wheel and the vehicle veer to the direction of Aguilar to avoid the spikes. (b) (6), (b) (7)(C) also heard the engine of the Hummer accelerate. (b) (6), (b) (7)(C) yelled, "Run Louie (Aguilar), run."

(b) (6), (b) (7)(C) noted that Aguilar was positioned on the narrow sand shoulder between the south edge of the (b) (7)(E) and the metal barriers directly south from where the spikes were deployed. As the Hummer quickly approached, Aguilar turned his body to face south. The Hummer hit Aguilar as soon as Aguilar turned, and then



(b) (7)(E)

Yuma Sector



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(b) (6), (b) (7)(C) believed the front grille of the Hummer hit Aguilar at some point between the middle of the vehicle and the front driver-side tire. Page 6

(b) (6), (b) (7)(C) jumped off the fence and observed the Hummer drive southwest out of the area. (b) (6), (b) (7)(C) began calling for Aguilar, whom (b) (6), (b) (7)(C) could not immediately see. (b) (6), (b) (7)(C) ran to some bushes in the area where Aguilar was last seen, but he did not find Aguilar there. (b) (6), (b) (7)(C) scanned the area and located Aguilar's body on the southwest corner of the (b) (7)(E) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) began screaming for others to summon 911 assistance. (b) (6), (b) (7)(C) a trained emergency medical technician (EMT), checked Aguilar's vital signs and found Aguilar to be unconscious with a slight pulse. (b) (6), (b) (7)(C) ran to his truck, grabbed his EMT equipment bag, and returned to Aguilar who no longer had a pulse. Just as (b) (6), (b) (7)(C) initiated CPR, a male nurse arrived at (b) (6), (b) (7)(C) side. The nurse took over the primary resuscitation attempts while (b) (6), (b) (7)(C) assisted. A medic with the Bureau of Land Management subsequently arrived to relieve (b) (6), (b) (7)(C) in the resuscitation attempts. Paramedics eventually arrived and pronounced Aguilar dead.

Despite the activity at the (b) (7)(E) with the Hummer, (b) (6), (b) (7)(C) continued to follow the Red Ford F-250 truck. While medics were tending to Aguilar, (b) (6), (b) (7)(C) radioed the others on the IMPACT unit to advise that the truck had made a U-turn west of the (b) (7)(E). The truck was now returning east on I-8. Believing that the truck would return to the (b) (7)(E) USBP agents began parking their vehicles on the (b) (7)(E) east of the (b) (7)(E) to protect those rendering aid to Aguilar, and to prevent the truck's return to the sand dunes. (b) (6), (b) (7)(C) assisted other USBP agents to deploy another (b) (7)(E) spike system (b) (7)(E) east of the parked USBP vehicles. USBP agents also equipped themselves with long guns in anticipation of the truck's return. The truck did not return to the area. (b) (6), (b) (7)(C) later learned from (b) (6), (b) (7)(C) that the truck got off I-8 west of (b) (7)(E) accessed the sand dunes, and drove south.

In response to a request for descriptions of any occupants of the Hummer, (b) (6), (b) (7)(C) indicated he never saw anything more than the driver's hands on the steering wheel. (b) (6), (b) (7)(C) did not notice any license plates on the Hummer.

(b) (6), (b) (7)(C) noted that on 01/16/2008, he and others of the IMPACT unit were working in the same (b) (7)(E) of the sand dunes. On 01/16/2008, a different truck and three quads were spotted in the dunes arriving from the south. The truck, a Toyota Tundra, was initially misidentified as a Chevy Silverado. The Toyota truck accessed the (b) (7)(E) and drove slowly and cautiously east toward the (b) (7)(E). The Toyota truck continued on the freeway ramp and eventually traveled west on I-8. USBP vehicles attempted to get behind the Toyota truck to pull it over. The Toyota truck made a U-turn in the desert median and began heading east toward the (b) (7)(E) (b) (6), (b) (7)(C) drove his vehicle



(b) (7)(E)

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(b) (7)(E)

The Toyota truck exited I-8 and began approaching the (b) (7)(E) (b) (7)(E) from the east at a high rate of speed. (b) (6), (b) (7)(C) threw out the spikes, which did not fully deploy. The Toyota truck missed the spikes, continued driving west and then south through the sand dunes. (b) (6), (b) (7)(C) never saw a vehicle plate on the Toyota truck but believed that someone else on the Impact Unit via radio requested record information on a personalized plate for the Toyota truck. (b) (6), (b) (7)(C) recalled that no record was found as a result of the record request.



(b) (7)(E)

Yuma Sector



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01/25/2008

Senior Patrol Agent (b) (6), (b) (7)(C) ("SPA" (b) (6), (b) (7)(C))

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

AZ (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was interviewed at the (b) (7)(E) Border Patrol Station, (b) (7)(E)

(b) (7)(E)

AZ (b) (7)(E)

(b) (6), (b) (7)(C)

United States Border Patrol ("USBP") (b) (7)(E)

(b) (7)(E)

After being advised of the identity of the interviewing agents and the nature of the interview SPA (b) (6), (b) (7)(C) provided the following information:

SPA (b) (6), (b) (7)(C) was interviewed to determine if any additional information could be developed that was not included in a written statement that he provided dated 01/21/2008. A copy of this statement was present, and used as a foundation for this interview. A signed copy of this statement will be placed in a FD-340 and attached to this report.

SPA (b) (6), (b) (7)(C) stated that on 01/18/2008, he drove (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

The other members of the IMPACT Unit were: Supervisory Border Patrol Agent (SBPA) (b) (6), (b) (7)(C) and SPAs L. Aguilar, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

At approximately 7:00 a.m., on 01/19/2008, SPA (b) (6), (b) (7)(C) and his fellow IMPACT members

(b) (7)(E)

(b) (7)(E)

At approximately 9:15 a.m., SBPA (b) (6), (b) (7)(C) observed a red F-150 with street tires and a single occupant traveling eastbound on the (b) (7)(E) SPA Aguilar noticed that (b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

(b) (7)(E)

From this location he had a

commanding view of the surrounding location. SPA (b) (6), (b) (7)(C) began

(b) (6), (b) (7)(C), (b) (7)(E)

SBPA

(b) (6), (b) (7)(C) used this information to instruct other IMPACT members on a plan to surveil the F-150. SPA (b) (6), (b) (7)(C) continued to observe the F-150 as it utilized the (b) (7)(E) to headed westbound Interstate 8 ("I-8").

01/21/2008

Yuma, AZ

(b) (6), (b) (7)(C) WPD

(b) (6), (b) (7)(C), (b) (7)(E)

01/25/2008

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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(b) (6), (b) (7)(C)

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Approximately, five to eight minutes later SPA (b) (6), (b) (7)(C) observed a newer model gray "Hummer", (later determined to be a H2 model) on the (b) (7)(E) traveling on the same course as the F-150. The driver of the H2 was driving very slowly. SPA (b) (6), (b) (7)(C) observed the H2 for 30 to 40 seconds and then used (b) (7)(E) (b) (7)(E) to inform the rest of the IMPACT unit of the new vehicle. SBPA (b) (6), (b) (7)(C) told SPA (b) (6), (b) (7)(C) via the (b) (7)(E) that if the H2 turned around, and it was safe to do so, to deploy a Controlled Tire Deflation Device ("CTDD") to prevent the H2 from returning to Mexico.

Approximately one minute later SPA Aguilar used his service radio to instruct a marked (b) (7)(E) USBP unit to intercept the H2. SPAs Aguilar and (b) (6), (b) (7)(C) ran towards a predetermined location to deploy the CTDD(s). While they were setting up the CTDD(s), SPA (b) (6), (b) (7)(C) (b) (7)(E) noticed that the H2 was turning around in the median and heading back towards them.

SPA (b) (6), (b) (7)(C) deployed a CTDD across the (b) (7)(E) from the north shoulder. SPA Aguilar was on the south shoulder of the road holding a second CTDD. As the H2 exited the I-8 SPA (b) (6), (b) (7)(C) noted that it was traveling "way to fast" and yelled for SPAs (b) (6), (b) (7)(C) and Aguilar to get out of the way. The H2 was traveling westbound on the (b) (7)(E). Approximately, 10 to 15 yards from SPA (b) (6), (b) (7)(C), the driver logged the H2 sharply to the north in the direction of SPA (b) (6), (b) (7)(C).

The driver then turned the vehicle southwest and headed directly at SPA Aguilar. At this point the H2 was approximately five yards from SPA Aguilar and SPA (b) (6), (b) (7)(C) estimated that it was traveling between 60 and 70 mph. SPA (b) (6), (b) (7)(C) said that he could hear the sound of the H2 accelerating as it struck SPA Aguilar. SPA Aguilar turned, as if to run away from the H2, but was struck by the driver's side grill. (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) The H2 veered off the road, continued through a gap between the CTDD and the guard rail, across the base of the (b) (7)(E) and continued southwest into the desert until it could not be further observed. The H2 passed within seven yards of SPA (b) (6), (b) (7)(C) position. (b) (7)(E) SPA (b) (6), (b) (7)(C) used his (b) (7)(E) to inform SBPA (b) (6), (b) (7)(C) of the incident and then joined SPA (b) (6), (b) (7)(C) in rendering first aid to SPA Aguilar. When it appeared that an aerial medivac might be brought in to evacuate SPA Aguilar, SPA (b) (6), (b) (7)(C) moved the IMPACT vehicles out of the way to make room for a helicopter to land.

SPA (b) (6), (b) (7)(C) provided the following description of the driver and vehicle that struck SPA Aguilar:

Driver (H2):

(b) (6), (b) (7)(C) WPD



(b) (7)(E)

Yuma Sector



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Sex: Male . On
Race: Hispanic
Hair: Dark, worn short
Facial hair: Possible mustache 3

Vehicle:

Make: Humvee
Model: H2
Year: Newer
Color: Gray
License Plates: California, unknown number, on rear of vehicle
Other: Tinted windows

(b) (6), (b) (7)(C) WPD



(b) (7)(E)

Yuma Sector



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11/09/2007

Senior Patrol Agent (b) (6), (b) (7)(C) ("SPA (b) (6), (b) (7)(C)")
(b) (6), (b) (7)(C) (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) AZ (b) (6), (b) (7)(C) was interviewed at
FBI Yuma Resident Agency, (b) (7)(E)
(b) (7)(E) Also present for the interview was Supervisory Border
Patrol Agent (b) (6), (b) (7)(C) ("SBPA (b) (6), (b) (7)(C)") United States Border
Patrol. After being advised of the identity of the interviewing
agents and the nature of the interview, (b) (6), (b) (7)(C) was shown a photo
line-up containing the color photographs of (b) (7)(E) Hispanic and a
photograph of (b) (6), (b) (7)(C) in the (b) (7)(E) position:

Prior to viewing the photo line-up, Special Agent (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) Federal Bureau of Investigation (FBI) provided
SPA (b) (6), (b) (7)(C) a form entitled, "Photographic Line-up Instructions."
The form read as follows:

You are about to be shown a group of photographs. Before
you view these photographs, please read the following carefully:

(b) (7)(E)

01/23/2008

Yuma, AZ

(b) (6), (b) (7)(C) WPD

(b) (6), (b) (7)(C), (b) (7)(E)

Not Dictated

(b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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(b) (7)(E)

(b) (7)(E)

SPA (b) (6), (b) (7)(C)

, On 01/23/2008 , Page 2

After reviewing and signing the form, SPA (b) (6), (b) (7)(C) was shown the photo line-up. He studied the line-up carefully and then selected the photograph of (b) (6), (b) (7)(C) in the (b) (7)(E) position stating, "(b) (7)(E) looks similar to the driver of the Hummer." When SA (b) (6), (b) (7)(C) asked him what he recognized in the photograph SPA (b) (6), (b) (7)(C) responded, "The short hair and mustache, it looks like him (the driver of the Humvee.)" SPA (b) (6), (b) (7)(C) then circled the photograph of (b) (6), (b) (7)(C) and initialed and dated his selection.

(b) (6), (b) (7)(C) WPD



(b) (7)(E)

Yuma Sector



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01/25/2008

Senior Patrol Agent (b) (6), (b) (7)(C) ("SPA (b) (6), (b) (7)(C) of (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) (C) was interviewed at the (b) (7)(E) Border Patrol Station, (b) (7)(E) AZ. (b) (7)(E) Also present for the interview was SPA (b) (6), (b) (7)(C) United States Border Patrol ("USBP") (b) (7)(E) (b) (7)(E). After being advised of the identity of the interviewing agents and the nature of the interview SPA (b) (6), (b) (7)(C) provided the following information:

SPA (b) (6), (b) (7)(C) was interviewed to determine if any additional information could be developed that was not included in a written statement that he provided dated 01/21/2008. A copy of this statement was present, and used as a foundation for this interview. A signed copy of this statement will be placed in a FD-340 and attached to this report.

On 01/19/2008, SPA (b) (6), (b) (7)(C) was assigned to the IMPACT unit of the USBP Yuma Sector which was scheduled to (b) (7)(E)

(b) (7)(E) (b) (6), (b) (7)(C), (b) (7)(E) The IMPACT Unit was supervised by Supervisory Border Patrol Agent (b) (6), (b) (7)(C) ("SBPA (b) (6), (b) (7)(C)"), and the other IMPACT members were: SPAs L. Aguilar, (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

During the 6:00 a.m. unit briefing the team was informed by SPA (b) (6), (b) (7)(C), (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

SPA (b) (6), (b) (7)(C) was able to observe the (b) (7)(E) as he drove west to (b) (7)(E) as a (b) (7)(E) near the (b) (7)(E) (b) (7)(E) off of westbound Interstate 8 ("I-8"). SPA (b) (6), (b) (7)(C) was also designated as a (b) (7)(E) located inside the (b) (7)(E) on the I-8 west of the (b) (7)(E)

01/22/2007

Yuma, AZ

(b) (6), (b) (7)(C), (b) (7)(E)

01/25/2008

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



(b) (6), (b) (7)(C), (b) (7)(E)

Continuation of FD-302 of (b) (6), (b) (7)(C)

01/22/2007

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At approximately 9:15 a.m., SPA (b) (6), (b) (7)(C) overheard SPA (b) (6), (b) (7)(C) broadcasting the description of a red Ford F-250 or F-350 pickup truck slowly traveling eastbound on the (b) (7)(E) near (b) (7)(E). The pickup truck had (b) (7)(E). SPA (b) (6), (b) (7)(C) contacted a (b) (7)(E) USBP agent located (b) (7)(E) and asked if he had seen the vehicle passing through his area. The agent responded that he had not. Approximately, two to three minutes after the initial sighting of the pickup truck SPA (b) (6), (b) (7)(C) reported that it was now heading westbound on the I-8. SPA (b) (6), (b) (7)(C) began to follow the vehicle as it passed the (b) (7)(E).

SPA (b) (6), (b) (7)(C) left his position and began looking for a place between the (b) (7)(E) on the I-8 to deploy a Controlled Tire Deflation Device(s) ("CTDD") in the event that the pickup truck failed to yield when his unit attempted to stop the it. Approximately, three to five minutes later SPA (b) (6), (b) (7)(C) broadcast the description of a silver or brown H2 Humvee ("H2") following the same route and traveling in the same manner as the pickup truck. SPA (b) (6), (b) (7)(C) was located on an emergency lane used by California Highway Patrol between the east and west lanes of I-8, between (b) (7)(E) (b) (7)(E) of the I-8.

SPA (b) (6), (b) (7)(C) broadcast that the H2 was possibly loaded, (carrying narcotics) and was now heading westbound on the I-8. SPA (b) (6), (b) (7)(C) began to head eastbound on the I-8 in an attempt to reach (b) (7)(E). A few seconds later SPA (b) (6), (b) (7)(C) reported that the H2 was turning around and heading back towards the (b) (7)(E). SPA (b) (6), (b) (7)(C) instructed IMPACT unit members to deploy CTDD near the (b) (7)(E) if it was safe to do so. Less than 30 seconds later SPA (b) (6), (b) (7)(C) heard SPA (b) (6), (b) (7)(C) yelling on the (b) (7)(E) that the H2 was close and for agents to get out of the way. SPA (b) (6), (b) (7)(C) was passing (b) (7)(E) at the time.

A few seconds later SPA (b) (6), (b) (7)(C) broadcast that there was an officer down. He said that the H2 had run over SPA Aguilar while he was attempting to deploy a CTDD near the stop sign at the (b) (7)(E). At that moment SPA (b) (6), (b) (7)(C) was traveling eastbound on the I-8 when he saw what he believed to be the H2 traveling westbound on the (b) (7)(E). The H2 was traveling at a high rate of speed in the area known as (b) (7)(E). He said he observed a marked USBP unit traveling in the same direction as the H2. SPA (b) (6), (b) (7)(C) continued eastbound on the I-8 in an effort to reach SPA Aguilar's location. Approximately one minute later he arrived on scene. SPA Aguilar was on the ground and medical personnel were administering CPR to him. SPA (b) (6), (b) (7)(C) deployed a CTDD on the (b) (7)(E) west of the location where they were tending to SPA Aguilar. He then began moving "Duner's out of harm's way" in case the pickup truck attempted to use the same route as the H2 to return to Mexico. While monitoring his service radio SPA (b) (6), (b) (7)(C) learned that the H2 returned to Mexico through the desert. A short time later he heard SPA (b) (6), (b) (7)(C) say that the pickup truck had exited the I-8 and returned to Mexico too.



(b) (7)(E)

Yuma Sector



FD-302 (Rev. 10-6-95)

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription

Investigation on

at

Date dictated

File #

by

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01/25/2008

Senior Patrol Agent (b) (6), (b) (7)(C) ("SPA (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

was

interviewed at the (b) (7)(E) Border Patrol Station, (b) (7)(E)
(b) (7)(E) AZ (b) (7)(E). Also present for the interview was SPA (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) United States Border Patrol ("USBP") (b) (7)(E)
(b) (7)(E). After being advised of the identity of the
interviewing agents and the nature of the interview SPA (b) (6), (b) (7)(C)
provided the following information:

SBPA (b) (6), (b) (7)(C) was interviewed to determine if any
additional information could be developed that was not included in
a written statement that he provided dated 01/21/2008. A copy of
this statement was present, and used as a foundation for this
interview. A signed copy of this statement will be placed in a FD-
340 and attached to this report.

Earlier in the week SPA (b) (6), (b) (7)(C) had contacted Bureau of
Land Management ("BML") Ranger (b) (6), (b) (7)(C) regarding (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

On 01/19/2008, at the 6:00 a.m., briefing SPA (b) (6), (b) (7)(C)
informed his fellow IMPACT Unit members: Supervisory Border Patrol
("SBPA") Agent (b) (6), (b) (7)(C) and SPAs L. Aguilar, (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C), (b) (7)(E)

(SPA (b) (6), (b) (7)(C) did not physically see (b) (7)(E) until after the
incident occurred.) SPA (b) (6), (b) (7)(C) was located west of (b) (7)(E)
on Interstate 8 ("I-8") near the (b) (7)(E) SPA (b) (6), (b) (7)(C)
(b) (6), (b) (7)(C) was also west of (b) (7)(E) located inside the (b) (7)(E) on
the I-8. (b) (7)(E)

01/22/2008

Yuma, AZ

(b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



SPA (b) (6), (b) (7)(C) had been observing normal traffic in and out of the (b) (7)(E) when at approximately 9:20 a.m., he overheard SPA (b) (6), (b) (7)(C) on the (b) (7)(E) announcing a red Ford pickup truck driving eastbound along the (b) (7)(E). He asked SPA (b) (6), (b) (7)(C) if he had observed the vehicle. SPA (b) (6), (b) (7)(C) told him he had not seen the vehicle. Agent (b) (6), (b) (7)(C) told him that the truck was traveling at a very low rate of speed and that it did not have state license plates. Approximately, ten seconds later SPA (b) (6), (b) (7)(C) was able to visually acquire the pickup truck on the overpass of the (b) (7)(E). It took the vehicle an additional 20 seconds for the vehicle to reach the westbound I-8. Once on the I-8 it took the pickup truck another five to ten seconds to reach SPA (b) (6), (b) (7)(C) position at the (b) (7)(E). While waiting for the vehicle to approach his location SPA (b) (6), (b) (7)(C) repositioned to the east side of the (b) (7)(E) so that he could follow the pickup truck when it passed by. When the pickup truck passed the (b) (7)(E) SPA (b) (6), (b) (7)(C) followed behind it (b) (7)(E). The pickup truck was traveling in the north lane of the I-8 at approximately 60 mph. He was able to observe that the vehicle had a dark colored dealer plate on the rear of the vehicle however, he was not able to read the plate.

Approximately five minutes after SPA (b) (6), (b) (7)(C) started following the pickup truck he believes he heard SPA (b) (6), (b) (7)(C) on the (b) (7)(E) calling out a light brown H2 Humvee ("H2") passing the (b) (7)(E). SPA (b) (6), (b) (7)(C) stated that the vehicle was following the same route as the pickup truck. SPA (b) (6), (b) (7)(C) was located between (b) (7)(E) and (b) (7)(E) at the time. SPA (b) (6), (b) (7)(C) continued to update the position of the H2.

SPA (b) (6), (b) (7)(C) announced that the H2 was turning around and heading back toward the (b) (7)(E). Approximately, one to two minutes later SPA (b) (6), (b) (7)(C) heard the report that SPA Aguilar had been struck by the fleeing H2, and that he was in need of immediate Emergency Medical Services ("EMS"). SPA (b) (6), (b) (7)(C) used his service radio to contact El Centro Sector Dispatch (b) (7)(E) and informed them they had an agent down at the entrance of (b) (7)(E). El Centro (b) (7)(E) acknowledged his request and informed him that EMS was on its way.

SPA (b) (6), (b) (7)(C) continued to follow the pickup truck westbound on I-8. Approximately one to two minutes after SPA (b) (6), (b) (7)(C) contacted El Centro (b) (7)(E) the pickup truck made a U-turn over the median on I-8 and began to travel eastbound. They were approximately one mile east of the (b) (7)(E). SPA (b) (6), (b) (7)(C) continued to the (b) (7)(E) and then re-entered the I-8 traveling eastbound. He was able to catch up to the pickup truck near the (b) (7)(E). The pickup truck was traveling at approximately 75 mph when he caught up to it. SPA (b) (6), (b) (7)(C) broadcast to his teammates that the pickup had made a U-turn and was heading back toward them. As they approached (b) (7)(E) the pickup truck turned south off the I-8 and began heading through the desert. A marked (b) (7)(E) unit was pulled over on the eastbound shoulder of the I-8 observing the vehicle. SPA (b) (6), (b) (7)(C)



(b) (7)(E)

Yuma Sector



momentarily stopped behind the unit, got out of his vehicle, observed the pickup truck, he then got back into his vehicle, and returned to (b) (7)(E)

When SPA (b) (6), (b) (7)(C) arrived at the scene of the incident, SBPA (b) (6), (b) (7)(C) told him that SPA Aguilar was in bad shape. SPA (b) (6), (b) (7)(C) could see that Agent Aguilar was lying on the west side of the (b) (7)(E) and that EMTs were performing CPR on him. After approximately ten minutes the highest ranking EMT pronounced SPA Aguilar dead. SPA (b) (6), (b) (7)(C) and his fellow IMPACT Unit members secured SPA Aguilar's body, and the crime scene until SPA Aguilar's body was recovered.

SPA (b) (6), (b) (7)(C) learned from SPA (b) (6), (b) (7)(C) that the H2 had avoided the spikes and headed towards SPA Aguilar. SPA Aguilar attempted to turn and get out of the path of the H2, but was struck on his left side and then run over by the H2.

SPA (b) (6), (b) (7)(C) never saw the H2 or the driver of the pickup truck. He provided the following description of the pickup truck:

Make:	Ford
Model:	F-250
Color:	Red
Year:	Newer
License Plate:	Dark colored dealer plate with light colored letters on rear of vehicle.
Other:	Extended side view mirrors with double bars, silver tags on each side of the upper part of the front fender, the windows were tinted with black limo tint.



(b) (7)(E)

Yuma Sector



FD-302 (Rev. 10-6-95)

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription

Investigation on

at

Date dictated

File #

by

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01/25/2008

Supervisory Border Patrol Agent Angel (b) (6), (b) (7)(C) ("SBPA

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was interviewed at the (b) (7)(E) Border Patrol Station, (b) (7)(E) AZ (b) (7)(E) Also present for the interview was Senior Patrol Agent ("SPA") (b) (6), (b) (7)(C) United States Border Patrol ("USBP") (b) (7)(E) After being advised of the identity of the interviewing agents and the nature of the interview SBPA (b) (6), (b) (7)(C) provided the following information:

SBPA (b) (6), (b) (7)(C) was interviewed to determine if any additional information could be developed that was not included in a written statement that he provided dated 01/21/2008. A copy of this statement was present, and used as a foundation for this interview. A signed copy of this statement will be placed in a FD-340 and attached to this report.

SBPA (b) (6), (b) (7)(C) is the supervisor for the IMPACT Unit (b) (7)(E)

(b) (7)(E)

(b) (7)(E) On 01/19/2008, IMPACT was

(b) (7)(E)

(b) (7)(E)

Imperial County, CA. His IMPACT Unit consisted of SPA L. Aguilar ("SPA Aguilar (Victim)) SPA (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) During the morning briefing SPA (b) (6), (b) (7)(C) informed SBPA (b) (6), (b) (7)(C) that he had received information from a Bureau of Land Management ("BLM") Ranger the night before that (b) (7)(E)

(b) (6), (b) (7)(C), (b) (7)(E)

01/21/2008

Yuma, AZ

(b) (6), (b) (7)(C), (b) (7)(E)

01/25/2008

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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Page

On

(b) (6), (b) (7)(C), (b) (7)(E)

At approximately 9:20 a.m., SBPA (b) (6), (b) (7)(C) saw a red Ford F-150 quad cab ("F-150") pickup truck traveling eastbound on the (b) (7)(E) pasting their position. The F-150 was traveling at approximately 15 mph. His attention was drawn to the vehicle because the F-150 (b) (7)(E)

(b) (7)(E) The windows on the F-150 were also heavily tinted. SBPA (b) (6), (b) (7)(C) alerted the other members of the team who began to observe the F-150 too. SPA Aguilar stated, (b) (7)(E) (b) (7)(E) " (b) (7)(E) SPA (b) (6), (b) (7)(C) noted as the truck passed to the east of their position it did not have a license plate. SBPA (b) (6), (b) (7)(C) looked and noticed that the F-150 had a red and blue colored "dealer" plate on the rear of the vehicle. SBPA (b) (6), (b) (7)(C) contacted SPA (b) (6), (b) (7)(C) and instructed him to be prepared to follow the vehicle if it came his way.

SBPA (b) (6), (b) (7)(C) twice contacted the (b) (7)(E) agents at the (b) (7)(E) and asked if they had observed the red pickup. From their position they should have seen any vehicle departing the (b) (7)(E) heading towards (b) (7)(E) Each time he called the (b) (7)(E) agents they replied that they had not the vehicle depart. To SBPA (b) (6), (b) (7)(C) this reinforced the possibility that the vehicle may have illegally crossed the border from Mexico. SBPA (b) (6), (b) (7)(C) observed the vehicle was on the (b) (7)(E) preparing to head westbound on the I-8. He contacted SPAs (b) (6), (b) (7)(C) and (b) (6), (b) (7)(C) and informed them that the vehicle was heading their way. SBPA (b) (6), (b) (7)(C) intended to have a marked USBP vehicle conduct a vehicle stop on the F-150, therefore he wanted to be in a position where he could exercise control over the situation. (b) (7)(E)

(b) (7)(E) SBPA (b) (6), (b) (7)(C) contacted the (b) (7)(E) agents and requested that a marked unit initiate a vehicle stop on the F-150 (b) (7)(E) (b) (7)(E) Approximately, four or five minutes after leaving (b) (7)(E) as he crested (b) (7)(E) (b) (7)(E) SBPA (b) (6), (b) (7)(C) observed a marked (b) (7)(E) unit traveling east bound on the (b) (7)(E) between (b) (7)(E) (b) (7)(E)

As SBPA (b) (6), (b) (7)(C) continued westbound on the I-8 he overheard SPA (b) (6), (b) (7)(C) broadcasting the sighting of brown "Hummer" coming eastbound on the (b) (7)(E) The Hummer was traveling the same route and speed as the red F-150. SBPA (b) (6), (b) (7)(C) also overheard SPA Aguilar repeating the same information to the (b) (7)(E) agents on their radio frequency. SPA (b) (6), (b) (7)(C) updated the position of the



(b) (7)(E)

Yuma Sector



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Hummer as the it began to travel westbound on the I-8. One to two3 minutes later he advised the unit that the Hummer had made a U-turn in the median, just east of (b) (7)(E) and appeared to be attempting to return to Mexico. SBPA (b) (6), (b) (7)(C) told the members of the team (b) (7)(E) that if it was safe to do so, they could deploy CTDD(s) as previously briefed, they may do so. Since SPA (b) (6), (b) (7)(C) (b) (7)(E) SBPA (b) (6), (b) (7)(C) believed that SPAs Aguilar and (b) (6), (b) (7)(C) were going to be the ones deploying the CTDD(s).

Approximately one minute later, SBPA (b) (6), (b) (7)(C) heard SPA (b) (6), (b) (7)(C) yelling over the (b) (7)(E) for SPAs Aguilar and (b) (6), (b) (7)(C) to, "Move, Move!" Ten to twenty seconds later SPA (b) (6), (b) (7)(C) announced that the Hummer had run over SPA Aguilar and that someone needed to call Emergency Medical Services ("EMS"). Two to three seconds later he heard SPA (b) (6), (b) (7)(C) calling Calexico (b) (7)(E) (USBP (b) (7)(E) dispatch) for EMS and informing them that an agent was down.

SBPA (b) (6), (b) (7)(C) said he was momentarily stunned, he then immediately turned around in median of I8 and headed back to (b) (7)(E) (b) (7)(E). He said he was approximately one mile west of the (b) (7)(E) (b) (7)(E) when he turned around. SBPA (b) (6), (b) (7)(C) contacted SPA (b) (6), (b) (7)(C) and asked if SPA Aguilar was O.K. SPA (b) (6), (b) (7)(C) told him that SPA Aguilar was not O.K. SBPA (b) (6), (b) (7)(C) contacted USBP Field Operations Supervisor ("FOS") (b) (6), (b) (7)(C) and briefed him on the situation. SBPA (b) (6), (b) (7)(C) estimated that it took him four to five minutes to get back (b) (7)(E). When he arrived SPA (b) (6), (b) (7)(C) USBP (b) (7)(E) was already on scene.

As SBPA (b) (6), (b) (7)(C) parked near the southeast corner of the (b) (7)(E) (b) (7)(E) he observed two civilians administering CPR to SPA Aguilar. A very distressed SPA (b) (6), (b) (7)(C) came up to him and said, "The guy, (the driver of the Hummer) went right towards him, (SPA Aguilar.)" SBPA (b) (6), (b) (7)(C) could not recall who, but someone told him that SPA Aguilar's pupils were dilated, he did not have a pulse, and that he was gravely injured. He relayed this information to FOS (b) (6), (b) (7)(C).

SBPA (b) (6), (b) (7)(C) had been speaking with FOS (b) (6), (b) (7)(C) for one to two minutes when SPA (b) (6), (b) (7)(C) advised him that the red Ford F-150 was eastbound on the I-8 and appeared to be coming back towards the campsite. SBPA (b) (6), (b) (7)(C) immediately began deploying his unit's and other USBP vehicle around the SPA Aguilar, and the personnel administering first aid to him, in an attempt to shield them. SBPA (b) (6), (b) (7)(C) also had his men deploy more CTDDs, retrieve their rifles, and clear a path along the (b) (7)(E). The F-150 never arrived at (b) (7)(E) subsequently SBPA (b) (6), (b) (7)(C) learned that the F-150 had returned to Mexico through a small breach in the vehicle barriers located near (b) (7)(E).

SBPA (b) (6), (b) (7)(C) next attempted to secure the scene, as best as possible for evidentiary purposes. At 9:56 a.m., an EMT from (b) (7)(E) (b) (7)(E) informed him that SPA Aguilar had been pronounced dead on scene. SBPA (b) (6), (b) (7)(C) contacted FOS (b) (6), (b) (7)(C) and advised him of the situation and gave him the name of the EMT. Shortly thereafter SBPA (b) (6), (b) (7)(C) turned over the scene to SBPA (b) (6), (b) (7)(C).



(b) (7)(E)

Yuma Sector



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SBPA (b) (6), (b) (7)(C) never got a clear view of the driver of the red F-150, and he never saw the Hummer. He provided the following description of the F-150:

Make:	Ford
Model:	F-150 Quad Cab
Color:	Red
License Plate:	Red and blue "dealer" plate
Other:	Street tires, and dark tinted windows

At approximately 5:50 p.m., while SBPA (b) (6), (b) (7)(C) was writing his statement he was called out of the room by Lead Border Patrol Agent ("LBPA") (b) (6), (b) (7)(C). LBPA (b) (6), (b) (7)(C) showed him a close-up photograph of a red Ford pickup truck with a dealer plate and asked him if he recognized the vehicle/plate. SBPA (b) (6), (b) (7)(C) said, "Yeah dude that's what I saw, the red and blue. I couldn't read the plate, but it looked just like that." From a meeting earlier in the day SA (b) (6), (b) (7)(C) knew the photograph to be of a pickup that had been recovered earlier in the day in Mexico. It was believed to be the same pickup that SBPA (b) (6), (b) (7)(C) had followed on 01/19/2008.

Approximately, 30 to 40 minutes later SPA (b) (6), (b) (7)(C) called SBPA (b) (6), (b) (7)(C) out of the room and showed him a profile photograph of a red pickup truck. SBPA (b) (6), (b) (7)(C) said that the pickup truck looked like the same vehicle he had seen at the (b) (7)(E) (b) (7)(E) on 01/19/2008. SA (b) (6), (b) (7)(C) was not present for this event.



(b) (7)(E)

Yuma Sector



U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

Imperial, California
February 19, 2008 (b) (6), (b) (7)(C)

LUIS AGUILAR - VICTIM
KILLING OF A FEDERAL OFFICER
JANUARY 19, 2008

On January 19, 2008 at approximately 08:30 A.M., USBP Agent Luis Aguilar, assigned to the (b) (7)(E) Station's Impact Unit, was struck and killed by a Hummer H2 while deploying a Controlled Tire Deflation Device (CTDD).

At approximately 8:20 A.M., (b) (7)(E) Agents assigned to their Impact Unit reported that a red Ford Pickup, suspected to be a load vehicle, entered the (b) (7)(E) located at the Imperial County Sand Dunes. The vehicle proceeded through (b) (7)(E) to Interstate 8 where it entered the westbound lanes. Minutes later, USBP Agents reported another suspected load vehicle, a champagne Hummer H2, entered the (b) (7)(E) (b) (7)(E) and proceeded to Interstate 8 where it also entered the westbound lanes. After traveling westbound on Interstate 8 for approximately one-quarter mile the driver of the Hummer crossed the median and began driving east on Interstate 8. The Hummer exited at the (b) (7)(E) and proceeded west on the access road.

USBP Agents Aguilar and (b) (6), (b) (7)(C) having observed the Hummer, stretched the CTDD across the access road with Agent (b) (6), (b) (7)(C) on the north side and Agent Aguilar on the south side of the road. The driver of the Hummer accelerated the vehicle, driving directly towards the agents. Agent (b) (6), (b) (7)(C) climbed a chain link fence located nearby. The driver of the Hummer veered south, directly towards Agent Aguilar. At approximately, 8:30 A.M. Agent Aguilar was struck and thrown approximately 30 feet. The Hummer continued westbound approximately one mile where it struck the drivers side mirror of a civilian vehicle before turning south and entering Mexico.

USBP Agents and EMTs nearby responded to Agent Aguilar immediately. Agent (b) (6), (b) (7)(C) and a civilian nurse rendered first aid. A (b) (7)(E) ambulance crew arrived on scene approximately twenty minutes later. Agent Aguilar was pronounced dead shortly thereafter.



(b) (7)(E)

Yuma Sector



FD-597 (Rev 8-11-94)

EVIDENCE (RM 71)
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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # (b) (7)(E)

On (date) 01/22/2008

item(s) listed below were:

- ☐ Received From
☒ Returned To
☐ Released To
☐ Seized

(b) (6), (b) (7)(C)
(Name) C/O USBP, (b) (7)(E) YUMA SECTOR

(Street Address)

(City)

Description of Item(s):

- 1 USBP CREDENTIAL (b) (6), (b) (7)(C), (b) (7)(E) FOR LUIS A. AGUIAR
IN CRIM CASE CONTAINING IDENTIFYING
DOCUMENTS, AZ DRIVERS LICENSE AND
CREDIT CARDS
- 2 USBP BADGE w/ HOLDER AND NECK CHAIN
- 3 RED KEY Fob w/ 3 KEYS
- 4 MEDICAL EYE DROPS
- 5 ARMYTOWN WRIST WATCH
- 6 MULTI-PURPOSE TOOL IN BECT CASE
- 7 BLACK UNIFORM BECT
- 8 ISLUE KEY Fob w/ 3 KEYS
- 9 DOLPHIN PENDANT
- 10 CELLULAR PHONE EARPIECE

Received By: (b) (6), (b) (7)(C)
(Signature)

Received From: (b) (6), (b) (7)(C)
(Signature)



(b) (7)(E)

Yuma Sector



FD-597 (Rev 8-11-94)

EVIDENCE item #122
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UNITED STATES DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF INVESTIGATION
Receipt for Property Received/Returned/Released/Seized

File # (b) (7)(E)

On (date) 01/22/2008

item(s) listed below were:

- ☐ Received From
☒ Returned To
☒ Released To
☐ Seized

(b) (6), (b) (7)(C)

(Name) C/O USCP, (b) (7)(E) YUMA SECTOR

(Street Address)

(City)

1/22/2007

1135

(b) (6), (b) (7)(C)

Description of Item(s):

(b) (7)(E)

RADIO WITH

STICKER BEARING NAME OF LUIS GUILLEN

S/N.

(b) (7)(E)

NO FURTHER

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Received By: X

(Signature)

Received From:

(Signature)



(b) (7)(E)

Yuma Sector



FD-302 (Rev. 10-6-95)

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FEDERAL BUREAU OF INVESTIGATION

Date of transcription

Investigation on

at

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01/24/2008

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

was interviewed at the main

(b) (7)(E)

, Imperial Sand Dunes Recreation Area (ISDRA).

Also present was U.S. Border Patrol (USBP) Senior Patrol Agent (SPA) (b) (6), (b) (7)(C). After being advised of the identity of the interviewing agents and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C) was with his brother in his brother's work truck, south of the campground entrance by the campground host trailer. They were pulled up onto the entrance road and began to travel toward the campground entrance. He saw a gray or silver Hummer H2 (V1) coming on the (b) (7)(E). V1 was traveling westbound, east of the campground entrance. Everything on V1 appeared to be stock, including the wheels.

He saw a male individual (VICTIM), (b) (7)(E) (b) (7)(E) lay out some spike strips on the road at the campground entrance. V1 then hit VICTIM. V1 hit VICTIM on V1's front left headlight area. (b) (6), (b) (7)(C) and then V1 kept on going through the dirt. V1 was going pretty fast and was traveling between 65 and 70 miles an hour. It was not known if V1 hit the spike strips. After the impact, he and his brother pulled up to within 30 feet of the scene.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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01/24/2008

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

was interviewed at the main (b) (7)(E) Imperial Sand Dunes Recreation Area (ISDRA). Also present was U.S. Border Patrol (USBP) Senior Patrol Agent (SPA) (b) (6), (b) (7)(C). After being advised of the identity of the interviewing agents and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

At approximately 9:00 a.m., he was helping (b) (6), (b) (7)(C) Last Name Unknown (LNU) at the (b) (6), (b) (7)(C) south of the campground entrance. (b) (6), (b) (7)(C) was on top of the (b) (6), (b) (7)(C) when he saw a very nice Hummer pass slowly by the (b) (6), (b) (7)(C). The Hummer traveled westbound on the south side of the (b) (6), (b) (7)(C). The Hummer was gold colored, with chrome rims and dark windows. He then (b) (6), (b) (7)(C) (b) (6), (b) (7)(C)

After five to seven minutes, he heard a crash. He went outside the (b) (6), (b) (7)(C) and saw that a man had been thrown. The man was lying on top of the pavement at the campground entrance. He did not see a vehicle.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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01/24/2008

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was interviewed at the main (b) (7)(E) (b) (7)(E) Imperial Sand Dunes Recreation Area (ISDRA). After being advised of the identity of the interviewing agent and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C) observed a dark pewter Hummer H2 (V1), with an approximate four inch lift, traveling westbound on a (b) (7)(E), west of (b) (7)(E). V1 had between 33 and 35 inch tires. (b) (6), (b) (7)(C) was part of a group of vehicles traveling westbound on the (b) (7)(E).

(b) (6), (b) (7)(C) and his group were traveling between 30 and 35 miles an hour, when V1 pushed quickly through the group of vehicles and collided with a suburban in front of (b) (6), (b) (7)(C). V1 was traveling between 60 and 80 miles an hour. V1 also traveled off the road and left tire tracks, which resembled BF GOODRICH all-terrain tires.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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01/20/2008

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

at the (b) (7)(E)

(b) (7)(E)

Imperial Sand Dunes Recreation Area (ISDRA). Also present was U.S. Border Patrol (USBP) Senior Patrol Agent (SPA)

(b) (6), (b) (7)(C)

After being advised of the identity of the interviewing agents and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C) was walking his dog near the metal barriers, east of (b) (7)(E) and directly south of the (b) (7)(E). He then heard a vehicle coming around the corner. A big, champagne or similar colored Hummer (V1), was traveling westbound on the (b) (7)(E) from the Interstate eight (I-8) overpass. V1 was "jacked up", with 17 or 20 inch wheels. The driver of V1 had "romped on it" coming off the I-8 overpass.

As V1 drove by (b) (6), (b) (7)(C) he looked up at V1's driver. The driver appeared to be a white male individual (SUB1), with either sandy brown, salt and pepper or gray/white/blonde hair. SUB1 was between 35 and 40 years old and approximately 200 pounds. SUB1 did not have a beard. As V1 passed by (b) (6), (b) (7)(C) SUB1 had his hand up by his face. He didn't know if SUB1 was using a cell phone.

After passing him, the HUMMER was going way too fast to make the upcoming stop at (b) (7)(E). The HUMMER then veered to the left without slowing down. (b) (6), (b) (7)(C) did not see the HUMMER's brake lights activated. He heard a big thud and knew the HUMMER had hit something or someone.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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01/20/2008

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was interviewed at (b) (7)(E) Imperial Sand Dunes Recreation Area (ISDRA). Also present was U.S. Border Patrol (USBP) Senior Patrol Agent (SPA) (b) (6), (b) (7)(C). After being advised of the identity of the interviewing agents and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C) was camped in a white Ford Tioga recreational vehicle (RV), bearing California license plate (b) (6), (b) (7)(C). The RV was located west of (b) (7)(E) and south of the (b) (7)(E). The RV was facing (b) (7)(E) and (b) (6), (b) (7)(C) was sitting in the front passenger seat of the RV.

A brown and gray Hummer (V1), traveling westbound and fast, came through the campground entrance and hit a male individual. V1 was traveling about 70 miles an hour. V1 continued to travel west through the sand and passed to the south of another RV, located south of (b) (6), (b) (7)(C) RV. After V1 had passed, a male individual from the (b) (7)(E) attempted to catch up to V1 in a gray Dodge Durango.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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01/28/2008

(b) (6), (b) (7)(C) United States Bureau of Land Management (BLM) Seasonal Park Ranger / Emergency Medical Technician, was interviewed in the Imperial County Resident Agency. (b) (6), (b) (7)(C) is currently based in the (b) (6), (b) (7)(C) of BLM, his work telephone is (b) (6), (b) (7)(C). After being advised of the identity of the interviewing agents and the nature of the interview, (b) (6), (b) (7)(C) provided the following:

(b) (6), (b) (7)(C) was working in the Imperial County Sand Dunes on Saturday, January 19, 2008, the day that Border Patrol Agent LUIS AGUILAR, United States Border Patrol, was killed. At approximately 8:30 AM, (b) (6), (b) (7)(C) along with fellow BLM employee (b) (6), (b) (7)(C) were in BLM vehicle (b) (6), (b) (7)(C), (b) (7)(E) when they received a radio call to respond to the (b) (7)(E) of the sand dunes. (b) (6), (b) (7)(C) was driving the vehicle, traveling east on (b) (7)(E) when (b) (6), (b) (7)(C) saw a Hummer H2 traveling in the opposite direction. The Hummer passed several slower moving vehicles, and almost struck the BLM vehicle head-on. With about 20 feet to spare, the Hummer swerved back into its own lane, missing the BLM vehicle. During this encounter (b) (6), (b) (7)(C) was looking directly at the driver of the Hummer. Shortly after the Hummer passed him, (b) (6), (b) (7)(C) mentioned to (b) (6), (b) (7)(C) that a vehicle mirror was bouncing in the roadway. (b) (6), (b) (7)(C) did not notice any mirror damage on the Hummer. (b) (6), (b) (7)(C) also did not notice if there were any other passengers in the Hummer.

(b) (6), (b) (7)(C) continued to the entrance of the sand dunes where he saw Agent AGUILAR lying in the road. (b) (6), (b) (7)(C) immediately began to provide medical attention to AGUILAR, and remained at the scene for several hours.

(b) (6), (b) (7)(C) was aware that a person suspected of being the driver of the Hummer had been arrested by Mexican authorities. (b) (6), (b) (7)(C) saw a picture of this person on the internet.

(b) (6), (b) (7)(C) was read the photographic show-up admonition from form FD-747 by writer. (b) (6), (b) (7)(C) was then shown a photographic line-up containing (b) (7)(E) pictures. The photograph in (b) (7)(E) depicted (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) positively identified the person depicted in (b) (7)(E) as the person driving the Hummer, although he stated that the driver of the Hummer had longer hair, a moustache and a goatee. He also recognized this person as the same

01/25/2008

Imperial, California

(b) (6), (b) (7)(C), (b) (7)(E)

Not dictated

SA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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person he saw on the internet, the person that the Mexican authorities had arrested.

A copy of the photographic line-up will be maintained in the 1-A section of the file.



(b) (7)(E)

Yuma Sector



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01/20/2008

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)
(u) (7)(C)

was interviewed at (b) (7)(E)

Imperial Sand Dunes Recreation Area (ISDRA).

Also present was U.S. Border Patrol (USBP) Senior Patrol Agent

(SPA) (b) (6), (b) (7)(C). After being advised of the identity of the interviewing agents and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

Between 7:30 and 8:00 a.m., (b) (6), (b) (7)(C) was outside of her recreational vehicle (RV), west of (b) (7)(E)

(b) (7)(E). She saw a blue-green or teal colored Hummer H2 (V1), with a chrome grill and stock wheels. V1 was coming really fast toward the campground entrance. V1 was traveling westbound, east of the campground entrance. V1 looked completely stock and was a standard color for Hummers. V1 had regular Hummer wheels with chrome caps.

A male individual (VICTIM), with something in his hand, was then hit by V1 at (b) (7)(E). It appeared VICTIM did not see V1 coming. After being hit, VICTIM flew up in the air.

Something black also flew up underneath V1. V1 continued to travel off the pavement and through the sand. V1 passed by (b) (7)(E)

(b) (7)(E) approximately five to ten feet north of the V1 finally took off, floored it harder through the sand and passed (b) (6), (b) (7)(C) RV. A front plate was not visible on V1.

(b) (6), (b) (7)(C) saw the driver of V1 in a blur. The driver appeared to be an Hispanic male individual (SUB1), between 35 and 40 years old, with olive skin, average size, medium set at 200 pounds and about an inch of dark brown hair with close shaven sides. SUB1 was wearing a dark-colored, black or dark blue shirt and looked clean cut. SUB1 did not appear to have any facial hair.

After the impact, SUB1 was bouncing in V1. After the impact, SUB1 turned back and looked toward (b) (7)(E). (b) (6), (b) (7)(C) also noticed SUB1's hair going up and down after the impact.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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01/20/2008

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

was interviewed at (b) (7)(E)

(b) (7)(E)

Imperial Sand Dunes Recreation Area (ISDRA).

Also present was U.S. Border Patrol (USBP) Senior Patrol Agent

(SPA) (b) (6), (b) (7)(C) After being advised of the identity of

the interviewing agents and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C) was outside his motor home, bearing Arizona license plate (b) (6), (b) (7)(C) located west of (b) (7)(E) He was

working on some machines. He heard an impact and saw a Hummer (V1) with tinted windows shoot through the sand and continue to travel behind his motor home. V1 was traveling westbound from (b) (7)(E)

(b) (7)(E) V1 was traveling at least 70 miles an hour. The driver was a male individual and did not appear to have facial hair. He did not notice a front plate on V1.

After V1 had passed his motor home, he got in his gray Dodge Durango, bearing California license plate (b) (6), (b) (7)(C) and went on the (b) (7)(E) to see if he could find V1. He traveled westbound on the (b) (7)(E) about a quarter mile; however, he only saw some dust and finally returned to his camp.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

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01/24/2008

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was interviewed at (b) (7)(E) Imperial Sand Dunes Recreation Area (ISDRA). Also present was U.S. Border Patrol (USBP) Senior Patrol Agent (SPA) (b) (6), (b) (7)(C). After being advised of the identity of the interviewing agents and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C) was parked near the (b) (6), (b) (7)(C) between 9:15 and 9:30 a.m. The (b) (6), (b) (7)(C) were located south of (b) (7)(E). (b) (7)(E) She saw two (b) (7)(E) agents run out to (b) (7)(E) one of the agents began pulling back on something. One of the agents also had a badge out.

A northbound four-wheel all-terrain vehicle (quad) began to cross the campground entrance road, toward the agent on the south side (VICTIM) of the campground entrance. At this time, a westbound sand/brown colored Hummer (V1), was approaching the agents from the east. V1 was showy, nicer, bigger than the H3 model and had shiny, chromed 20 inch wheels. V1 also had a black grill and rear limo tint. V1 possibly did not have a front plate.

VICTIM turned toward the quad and yelled "Get back!, Get back!". The right hand of V1's driver could be seen turning the steering wheel. V1's driver swerved toward VICTIM. As VICTIM turned back around toward the Hummer, and squared his shoulders, V1 hit VICTIM. After the impact, VICTIM's duty weapon hit a stationary light near the (b) (7)(E). A male individual, who was a nurse, then went to assist VICTIM.

V1 was going fast, approximately 70 miles an hour, and never slowed down or hit the brakes. V1 continued to travel westbound. Two quads were observed sitting near a power-line pole on the dune ridge southwest of the (b) (6), (b) (7)(C). One quad had a big, yellow, sand-rail flag with a smiley face. The other quad had a big pirate flag. Both quads dropped down in front of V1. V1 subsequently followed the two quads westbound. The quads did not sound like Banshee quads. One of the quads' riders had a box on the right side of the helmet, like an MP3 player.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)
SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



No more than three minutes later, someone said that a second vehicle was coming. However, no vehicle came. At this time, the two quads were again observed on the southwest dune, sitting a little higher than last time. The quads finally departed south over the ridge.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was interviewed at (b) (7)(E) Imperial Sand Dunes Recreation Area (ISDRA).

Also present was U.S. Border Patrol (USBP) Senior Patrol Agent (SPA) (b) (6), (b) (7)(C). After being advised of the identity of the interviewing agents and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

(b) (6), (b) (7)(C) turned around and saw a male individual (VICTIM) placing strips out at the (b) (7)(E). A charcoal colored Hummer H2 (V1), with wide front tires and 20 inch rims was traveling westbound on the (b) (7)(E). V1 was east of the (b) (7)(E). V1 then ran right over the top of VICTIM.

V1 did not slow down and was traveling approximately 80 miles an hour. V1 hit VICTIM hard and VICTIM's body fell behind V1. V1 continued to travel west, in between the parts (b) (7)(E) and another trailer. V1 slowed down at this point. He didn't think V1 had hit the strip at all.

(b) (6), (b) (7)(C) then went to VICTIM, and shook him saying "Hey Buddy". He had no response from VICTIM. VICTIM had a lot of bleeding out of the face. (b) (6), (b) (7)(C) also checked for a pulse and waited for Emergency Medical Services (EMS) to arrive. Bureau of Land Management (BLM) personnel arrived shortly thereafter. VICTIM was (b) (7)(E). Items from the VICTIM's belt, as well as a gun, were scattered everywhere.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



(b) (7)(E)

Yuma Sector



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(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) was interviewed at the (b) (7)(E) Imperial Sand Dunes Recreation Area (ISDRA). Also present was U.S. Border Patrol (USBP) Senior Patrol Agent (SPA) (b) (6), (b) (7)(C). After being advised of the identity of the interviewing agents and the nature of the investigation, (b) (6), (b) (7)(C) provided the following information:

Between 7:30 a.m. and 7:45 a.m., a charcoal gray Hummer H2 (V1) traveled westbound in the sand passed (b) (6), (b) (7)(C) camp. (b) (6), (b) (7)(C) camp was located west of (b) (7)(E) and south of the (b) (7)(E). V1 passed on the south side of (b) (6), (b) (7)(C) camp. V1 traveled approximately 30 yards south of the (b) (7)(E) in between 70 and 80 miles an hour.

After passing his camp, V1 swerved up onto the (b) (7)(D) went around a westbound white vehicle, traveled south onto the sand and finally back onto the (b) (7)(E). At that time, another vehicle was traveling eastbound on the (b) (7)(E). V1 had between 18 and 20 inch rims. V1 "stuck out" its rims were polished chrome and were flashy/gleamy. (b) (6), (b) (7)(C) could not see into V1, the windows were kind of tinted.

Another individual who was camping with (b) (6), (b) (7)(C)

(b) (7)(E)

(b) (7)(E) also saw the above described events.

01/19/2008

Imperial County, California

(b) (6), (b) (7)(C), (b) (7)(E)

not dictated

SPA (b) (6), (b) (7)(C), (b) (7)(E)

SA (b) (6), (b) (7)(C), (b) (7)(E)



RECEIVED
2008 MAR 28 14:20:01

U.S. Department of Justice

Federal Bureau of Investigation

In Reply, Please Refer to
File No.

9797 Aero Drive
San Diego, California 92123
February 25, 2008

Mr. Paul A. Beeson
Chief Patrol Agent - Yuma Sector
Department of Homeland Security
United States Customs and Border Protection/Border Patrol
4035 South Avenue A
Yuma, Arizona 85365

Dear Chief Beeson,

On January 19, 2008, United States Border Patrol Agent Luis Aguilar, assigned to the Yuma Station, Impact Unit, was struck and killed by the vehicle of a drug smuggler attempting to avoid apprehension.

The vehicle traveled at a high rate of speed through a heavily populated recreation area while evading United States Border Patrol Agents in pursuit. Agents Aguilar and (b) (6), (b) (7)(C) attempted to stop the vehicle by placing a Controlled Tire Deflation Device in front of its path. The driver of the vehicle, without slowing, steered in the direction of the agents and struck Agent Aguilar throwing him nearly thirty feet and killing him instantly. The vehicle then proceeded into Mexico and the pursuit was discontinued.

On that date, the Federal Bureau of Investigation initiated an investigation of the killing of a Federal officer, United States Border Patrol, Senior Patrol Agent Luis Aguilar. With the assistance and response of your agency, the FBI was able to quickly develop, pursue and corroborate many leads related to the investigation. A suspect was identified and pursued for criminal prosecution. This could not have happened without the coordination and efforts of your leadership personnel and agents in the field.

I would like to express my sincere appreciation to you for the support the United States Border Patrol Yuma Sector provided to the FBI, Imperial County Resident Agency while conducting this investigation. Your agent's information and knowledge of the area's drug trafficking organizations and methodology has been invaluable. Information sharing, planning and tactical response to needs of the investigation were quick and efficient.

The cooperation and assistance your agents extended was exceptional and they should be commended. Please convey my sincere appreciation in particular to members of the Yuma (b) (7)(E)

(b) (7)(E) for their assistance with documentation of the crime scene and canvass of the area for witnesses to this crime. Also, thank you to members of the Sector Impact Team for their assistance and to the Special Response Team (SRT) who provided security for the agents processing the crime scene.

We look forward to continued relations and a positive resolution to this violent crime.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Keith Slotter', with a stylized flourish at the end.

Keith Slotter
Special Agent in Charge